

UNITED STATES OF AMERICA
DEPARTMENT OF THE TREASURY
OFFICE OF THE COMPTROLLER OF THE CURRENCY

In the Matter of:)
) AA-SO-2019-23
Colonial Savings, Federal Association)
Fort Worth, Texas)

STIPULATION AND CONSENT ORDER

WHEREAS, the Comptroller of the Currency of the United States of America (“Comptroller”) intends to initiate a civil money penalty proceeding against Colonial Savings, Federal Association, Fort Worth, Texas (“Bank”), pursuant to 42 U.S.C. § 4012a(f) for a pattern or practice of failing to ensure the timely notification and force-placement of the requisite amounts of flood insurance on property securing loans in a special flood hazard area in which flood insurance is available under the National Flood Insurance Act;

WHEREAS, in the interest of cooperation and to avoid the costs associated with future administrative and judicial proceedings with respect to the above matter, the Bank, without admitting or denying any wrongdoing, desires to enter into this Consent Order (“Order”);

NOW, THEREFORE, in consideration of the above premises, it is stipulated by and between the Comptroller, through his duly authorized representative, and the Bank that:

Article I

JURISDICTION

(1) The Bank is a Federal savings association, chartered and examined by the Comptroller, pursuant to the Home Owners’ Loan Act, as amended, 12 U.S.C. § 1461 *et seq.* Accordingly, the Bank is an “insured depository institution” as that term is defined in 12 U.S.C.

§ 1813(c)(2) and is a “regulated lending institution” as that term is defined at 42 U.S.C. § 4003(a)(10).

(2) Pursuant to Section 312 of the Dodd-Frank Wall Street Reform and Consumer Protection Act, all powers, authorities, rights and duties relating to Federal savings associations that were vested in the Office of Thrift Supervision (“OTS”) and the Director of OTS transferred to the Office of the Comptroller of the Currency (“OCC”) on July 21, 2011.

(3) Pursuant to 42 U.S.C. §§ 4003(a)(5) and 4012a(f), the Comptroller is the “appropriate Federal entity for lending regulation” to maintain an enforcement proceeding against the Bank for violations of 42 U.S.C. § 4012a(f).

Article II

ORDER FOR CIVIL MONEY PENALTY

(1) The Bank hereby consents to the payment of a civil money penalty in the amount of one hundred thirty six thousand dollars (\$136,000), which shall be paid upon execution of this Order.

(2) The Bank shall make payment in full by delivering a check made payable to the National Flood Insurance Program to the attention of Kevin Montgomery, Financial Management Specialist, Federal Emergency Management Agency, 400 C Street SW, Third Floor, Washington, DC 20472.

(3) The Bank shall submit a copy of the check, along with this signed Order, to the attention of Natalie B. White, Special Counsel, Office of the Comptroller of the Currency, Southern District Office, 500 North Akard Street Suite 1600, Dallas, Texas, 75201.

(4) This Order shall be enforceable to the same extent and in the same manner as an effective and outstanding order that has been issued and has become final pursuant to 12 U.S.C. §§ 1818(h) and (i) and 42 U.S.C. § 4012a.

Article III

WAIVERS

- (1) By executing this Order, the Bank waives:
 - (a) the right to the issuance of a Notice under 12 U.S.C. § 1818(i) and 42 U.S.C. § 4012a(f)(4) and recognizes that the letter dated April 11, 2019, from Hub Thompson, Assistant Deputy Comptroller for the Fort Worth Field Office, constitutes a valid substitute notice (“Notice Letter”);
 - (b) all rights to a hearing and a final agency decision pursuant to 12 U.S.C. § 1818(i), 12 C.F.R. Part 109, and 42 U.S.C. § 4012a(f)(4);
 - (c) all rights to seek judicial review of this Order;
 - (d) all rights in any way to contest the validity of this Order; and
 - (e) any and all claims for fees, costs or expenses against the Comptroller, or any of his agents or employees, related in any way to this enforcement matter or this Order, whether arising under common law or under the terms of any statute, including, but not limited to, the Equal Access to Justice Act, 5 U.S.C. § 504 and 28 U.S.C. § 2412.

- (2) The Bank declares that no separate promise or inducement of any kind has been made by the Comptroller, his agents or employees to cause or induce the Bank to agree to consent to the issuance of this Order and/or to execute this Order.

- (3) It is hereby agreed that the provisions of this Order constitute a settlement of the civil money penalty proceeding contemplated by the Comptroller on the basis of the Bank’s violations of the Flood Disaster Protection Act and implementing regulation as described in this Order and in the Notice Letter. However, nothing herein prevents the Comptroller from

IN TESTIMONY WHEREOF, the undersigned, as the duly elected and acting Board of Directors of the Bank, have hereunto set their hands on behalf of the Bank.

/s/
Donna J. Dempsey

4/24/19
Date

/s/
James E. Dubose

4-25-19
Date

/s/
J. David Motley

4-24-19
Date

/s/
David O'Brien

4-24-19
Date

/s/
George Ogle

4-24-19
Date